

REMARKS / DISCUSSION OF ISSUES

The present amendment is submitted in response to the Office Action mailed March 17, 2011. Claims 1-12 remain in this application. Claims 1, 11 and 18 have been amended. In view of the amendments above and remarks to follow, reconsideration and allowance of this application are respectfully requested.

Interview Summary

Applicants appreciate the courtesy granted to Applicant's attorney, Michael A. Scaturro (Reg. No. 51,356), during a telephonic interview conducted on Tuesday, May 17, 2011. Applicants previously submitted proposed claim amendments to claims 11 and 18. Upon reviewing the proposed claim amendments, the Examiner stated that the additional limitations appeared to overcome the cited and applied art, however, a further search is required.

Allowable Subject Matter

Applicant wishes to thank the Examiner for indicating that Claims 1-3 and 7-10 are allowed.

Claim Rejections under 35 U.S.C. § 112, second paragraph

Claims 11-21 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for particularly point out and distinctly claim the subject matter which applicants regard as the invention. The rejection of claim 11 is understood to be based on the premise that the premise of the claim is directed to "a data playback method of reading data from a data carrier". However, the body of the claim instead of further reciting steps of data playback (reading) steps, it recites how the carrier is manufactured and the properties of the defective area in the carrier. A similar rejection is made with respect to claim 18. Claims 11 and 18 have been amended in a manner which is believed to overcome the stated rejections. Accordingly, withdrawal of the rejections of claims 11 and 18 and the claims depending therefrom under 35 U.S.C. § 112, first paragraph is respectfully requested.

Regarding claim 11, In response claim 1 has been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph is respectfully requested.

Rejections under 35 U.S.C. §102(b)

In the Office Action, Claims 18-21 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,134,214 ("Takagi"). Applicant respectfully traverses the rejections.

Independent claim 18 has been amended to clarify Applicant's invention. Claim 18 now recites features which are neither shown nor suggested in Takagi. Accordingly, it is respectfully submitted that the cited portions of Takagi fail to disclose or suggest the specific combination of claim 18, reproduced below in clean form.

18. A data playback device for providing data access protection when reading data from a data carrier, wherein the data are stored in a data recording area of the data carrier in accordance with a predefined data recording standard, the device including:
switching means configured to:

detect position information about the position of defective areas on the data carrier from a defect localization area on the data carrier, and

switch a scanning control means between a standard data playback mode for the purpose of reading the data from the data recording area and a defective area control mode for reading the position information about the position of the defective area from the defect localization area, depending on the detected position information;

wherein the defect localization areas are physically located before each defective area and provide information about the nature and position of the defective areas,

wherein each defective area is designed in such a way that it comes into conflict with at least one parameter of the predefined data recording standard, as well as with at least one defect localization area containing position information about the position of the at least one defective area on the data carrier, in such a way that the conflict cannot be rectified by standard-compliant error-correction measures in accordance with the data recording standard.

It is respectfully submitted that Takagi does not disclose any of the above features of claim 1. Instead, Takagi merely discloses an optical disc defect

management method having a sector structure and associated reproducing apparatus. The method generally comprises the steps of: (1) a user instructing a host computer to write data to an optical disc. In the case of a write command from the user, a target address of the sector to which data is to be recorded is obtained from a primary defect list PDL and a secondary defect list, SDL. (2) Data is then recorded to the sector at the target address. (3) A verification process is performed to determine whether data was normally recorded to the intended target sector. In the case where the verification process determines that the target sector cannot be reproduced (i.e., determined to be a defective sector), the procedure steps to (4) a substitution process using either a slipping method or linear replacement method.

It is therefore respectfully submitted that none of the recited steps of Takagi relate to a data playback device for providing data access protection when reading data from a data carrier, wherein the data are stored in a data recording area of the data carrier in accordance with a predefined data recording standard. Moreover, Takagi does not teach or suggest,

wherein each defective area is designed in such a way that it comes into conflict with at least one parameter of the predefined data recording standard, as well as with at least one defect localization area containing position information about the position of the at least one defective area on the data carrier, in such a way that the conflict cannot be rectified by standard-compliant error-correction measures in accordance with the data recording standard,

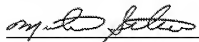
Consequently, it is asserted that independent claim 18 is patentable over Takagi art and claims 19-20 are allowable, at least by virtue of their respective dependence from claim 18.

Conclusion

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1-3 and 5-21 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Mike Scaturro, Esq., Intellectual Property Counsel, Philips Electronics North America, at 516-414-2007.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read 'Michael A. Scaturro', is written over a horizontal line.

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